

Appendix E. Task Force Meeting Notes

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE MEETING ONE - NOTES & SUMMARY

**10:00am-4:00pm, September 27, 2005
Augusta Elks Lodge, Augusta, Maine**

Task Force Members Present: Lee Liner; Mark Draper; Troy Moon (for Mike Bobinsky); Steve Dyer; Stefan Pakulski; Jerry Hughes; Jeff Austin; Chris Hall; Joseph Kazar; Peter Prata; Kevin Roche; Don Meagher; Jeff McGown; John Adelman; Ron Smalley; Gloria Fredrick; Paul Therrien; Peggy Daigle; Sarah Wojcoski; Susan Lessard; Greg Lounder; Fergus Lea; Victor Horton; Laura Sanborn; William Lippincott; Will Everitt; Don Gallagher; Paula Clark; Sue Inches; Sam Morris; George MacDonald

Members of the Public Present: David Littell; George Criner; Mark St. Germain; Juliet Browne; Cathy Lee; Jody Harris

Facilitators: Jeff Edelstein, Ona Ferguson.

Others in Attendance: Aimee Dolloff

I. OVERVIEW OF TASK FORCE AND SOLID WASTE MANAGEMENT

Welcome

Sue Inches, Deputy Director of the Maine State Planning Office (SPO), welcomed the group on behalf of the SPO and thanked everyone for their willingness to participate in the preparatory assessment and in the task force's meetings.

Sue explained that the goals of the task force are to gather information and identify important and critical issues. She explained that the group at the table represents a diverse set of interests and the purpose of the task force is to elicit and understand the diversity of opinions on Maine's solid waste policies. That information will inform the written recommendations that the SPO will provide publicly to the Natural Resources Committee of the Maine Legislature. Sue stated that the SPO is hoping the task force will identify issues that are most critical, and that the tremendous knowledge in the room will enable the SPO to see "the whole picture," to understand the various impacts that state solid waste policy has on the ground, and to identify additional data needs.

Task Force Overview

Jeff Edelstein described the background and planned task force process. The goals of the task force are to hear a diversity of perspectives in order to: (a) identify key issues; (b) identify perceived problems; (c) understand impacts; (d) suggest policy changes and assess the impacts of those changes; and (e) identify additional information needed.

In July and August of 2005, Jeff conducted an assessment on 30 confidential interviews with individuals and organizations, identified by SPO, who were involved with solid waste management. The assessment identified nine areas to be the primary focus of this task force, and was intended to help the task force

make the best use of its time by enabling the group to narrow in quickly on those issues of greatest importance to the group. These are:

- (1) the solid waste hierarchy;
- (2) disposal capacity;
- (3) the roles of state, municipal and commercial sectors;
- (4) local communities;
- (5) construction and demolition debris;
- (6) material bans;
- (7) recycling;
- (8) regional approaches; and
- (9) public education.

These nine areas, which were identified as the primary areas of concern to those interviewed, will shape the agendas of the task force meetings. The goal for this first meeting is to discuss Maine's solid waste hierarchy; the top priority of those interviewed. Three task force meetings are scheduled. Task force meetings are open to the public, and will include time for public comment. In addition, SPO will consult with the Legislature's Natural Resources Committee during the task force process.

Participants were then invited to introduce themselves, and to say (a) what they would like to see come out of the process and (b) what they bring to the process.

Solid Waste Presentation

George MacDonald of the SPO gave an overview of the status of solid waste management in Maine, including other current related task forces and bills in the legislature. There is currently one solid waste management related task force, which is investigating the feasibility of a buy-out and eventual closure of the Maine Energy waste-to-energy facility in Biddeford. It has had three meetings to date, all well attended.

Three bills related to solid waste were held over from the last legislative session:

- **LD141** –to ban landfilling or incineration of construction and demolition debris originating from structures from out of state.
- **LD 1669** – to authorize a timeline and certain host community benefits for city of Old Town
- **LD 1578** – to ensure protection and benefits to communities hosting waste-to-energy facilities

Task force members asked the following questions:³

- *Was bill 880 killed, which would have limited the landfilling of bypass waste and would have required the adoption of rules to ensure that landfilling is not the primary means of disposal of municipal solid waste?* The bill was killed.
- *What happened to the tire tax fee bill?* It was passed as a resolve requiring DEP to report back by January of 2007 on alternative sources of revenue that could be implemented to replace the \$1/tire fee. The report is to include an evaluation of possible alternative funding mechanisms, including new or revised fees on solid wastes (inc. special wastes), consumer products sold, and solid waste facilities and licenses, as well as recommendations concerning funding mechanisms.
- *Should there be a placeholder for bills from this task force?* SPO has submitted a placeholder bill, should legislation be an avenue for any of its recommendations.

³ In this and other bulleted lists of questions and responses, 'italicized' indicates comment made by task force member and 'plain text' comments were SPO responses unless noted otherwise.

The current Maine solid waste policies were, for the most part, adopted in 1989. We now have four waste-to-energy facilities in operation. Since that time, new commercial disposal facilities have been banned. At that time, the goal of 50% recycling was set, though recycling programs were only available to approximately 16% of the population. Much of the infrastructure in place today was in place then with the exception of recycling infrastructure. Since then, the state has closed town dumps to have communities provide programs with less environmental impacts and to reduce the number of sites for managing waste generated in the state of Maine.

Today there are approximately 250 transfer stations in Maine, and most communities work in cooperation with other communities to dispose of waste. Some communities send waste out-of-state or country, but most use disposal facilities in-state. George displayed a map showing where municipal waste in Maine was disposed of in 2003, which is the most recent data available.

In 2003, 2,020,000 tons of waste were generated in Maine, of which 157,000 tons of waste were exported (to other states or Canada) for disposal. Also, 447,000 tons of waste were imported for disposal in Maine, most of which originated in other New England states.

In 1989, few communities had recycling programs. Now almost all communities do. Nearly half of Maine communities work with at least one other municipality to offer recycling programs, and the State-wide recycling rate in Maine is 35%. The state goal is to recycle 50% of waste, and to reduce solid waste by 5% biennially. The SPO recognizes that some of the difficulty in attaining these goals results from the fact that these goals are State goals and not municipal goals. The 50% level was chosen 16 years ago, and the state is still working towards that. In the past few years, the SPO has been working to reduce the toxicity of waste streams in Maine, in conjunction with efforts by the Department of Environmental Protection, created by the banning the disposal of certain items.

Municipalities are responsible for providing solid waste disposal. The state ban on new commercial disposal facilities remains in place, which means that the state or municipalities (or regional public entities) are the only possible owners of new disposal facilities in Maine.

The task force had some questions and comments:

- *Where did the solid waste hierarchy come from? Was establishing hierarchies a national trend? What was its purpose?* In the mid-1980s, people nationwide got very concerned with managing solid waste. Within the New England states, there were parallel efforts on how to deal with different waste streams with similar, although not identical, development of hierarchies in the various states. Maine was one of the states that put composting as a separate item in its hierarchy, while other states considered that part of recycling. Recycling has gone on extensively since WWII. In Maine, we were reaching landfill capacity in the 1980s, which led to interest in reducing the volume of materials going to landfill through incineration (which also had the benefit of energy recovery) and increased recycling. Another task force member noted that DEP put tremendous pressure on municipalities to close landfills, which also drove the pressure for solutions such as incineration and increased recycling.
- *A task force member noted that in the 1980's there was a desire to have siting decisions made by the state and the public sector rather than by commercial landfills. As it turns out, it was just as hard for the state to get buy-in from local communities regarding siting of landfills as it had been for commercial entities, so siting has been difficult no matter what type of organization was doing it.* In the 1980s, this discussion of landfilling and incineration rose to a level where it became a policy issue in Maine. In response, a state agency, the Maine Waste Management Agency, was created to handle facility siting, in addition to providing planning for waste management needs

and encouraging implementation of the hierarchy. Fiscal pressures in the mid 1990s led to that department being disbanded and most of its functions were placed within the SPO.

II. THE SOLID WASTE HIERARCHY

A discussion of the solid waste hierarchy occupied the rest of the task force meeting. To establish the context for the discussion, SPO and DEP explained how the hierarchy is used by their respective agencies.

SPO and DEP Application of the Hierarchy

George MacDonald stated that the hierarchy serves as a roadmap for how SPO works with communities and businesses across the state. It guide's the SPO's focus on the 3Rs (Reduce, Reuse, Recycle) in technical and financial assistance to municipalities, as well as in outreach and education. It helps determine what types of projects SPO will give money for. Recently, the SPO has been providing assistance to municipalities for reducing landfill volume and waste toxicity, and building facilities to help manage mercury-containing products and universal waste such as cathode-ray tubes (CRTs). Through regional efforts, such as the Northeast Recycling Council, SPO is promoting waste reduction with business and industry. In terms of reuse, SPO is helping communities construct facilities such as swap shops that help facilitate reuse. The State has provided communities with over \$12M in grant monies over the past 13 years to increase recycling rates by assisting public programs with infrastructure, equipment, and buildings. Current law requires that businesses with 15 or more employees at a location to recycle corrugated cardboard and office paper. Composting is one of the last frontiers to be implemented large-scale, and the recently started Sandy River Recycling Association/Town of Farmington's mode of food waste recycling for institutional food discards may become the model from which other municipalities can learn.

Paula Clark of DEP stated that there is no prescribed way DEP must follow the hierarchy in managing solid waste programs in Maine, though DEP considers it in several ways. It informs how DEP makes program choices and priority setting. Examples of program emphasis in response to the hierarchy include the Beneficial Reuse Task Force, (which looked specifically at beneficial reuse and how the state might facilitate such reuse), the agronomic reuse program (which accounts for the highest volume of reuse in the state), electronic waste management, reduction of mercury-containing products, and product stewardship issues. Maine has also led in composting, including fish and seafood and animal carcass composting.

Review of the Hierarchy section of the Assessment Report:

The group reviewed the "Interviewee Comments" section of the Assessment Report and provided the following comments, revisions, and additions:

- Re: bullet 1:
 - The statement that energy prices were higher when the hierarchy developed may not be the case
 - Volume reduction coming into facilities isn't decreased; rather what is happening inside the facilities is decreasing waste volume.
- The development of the hierarchy in the 1980's is "ancient history" in the solid waste industry, which has changed significantly since then.
- The incinerator life cycle estimates may not be accurate. All plants estimate a life expectancy of 20-25 years from now at a minimum. Estimates from waste-to-energy facility representatives were: MMWAC: 20-50 years, PERC: indefinite due to capital improvements, ME: indefinite due to capital improvements, RWS: indefinite due to capital improvements, noting that an independent audit estimated 2030 for equipment and that financing will be done in 2014

- Add: the trend of landfills taking in much more waste than they did in 1988.
- Add: there was never a consideration that there wouldn't be landfills in Maine
- Add: economic considerations need to be included.
- Add: all items on the hierarchy should be recognized as necessary components of solid waste systems. It should be seen as more of a system, as it is in other states. Occasionally people have falsely interpreted the hierarchy to mean that you shouldn't fund or support those items low on the hierarchy. They may see having landfills as failure, when in fact it is a necessary part of a system.
- The hierarchy does have an impact, and shouldn't be seen as sacred or fixed.
- I don't think the legislative committee expects the task force to propose changes to the hierarchy.
- Add: economic influences and the market have an effect on how the hierarchy is used and to what extent it is or is not effective.
- Add: the hierarchy does not exist in a vacuum. It influences the other topics of the task force and vice versa.
- Add: we think that discouraging disposal will increase recycling, but that isn't so.
- We should be thinking about "resource" management, not "waste" management; this is a broader more integrated view.

Predominant Themes

Within the discussions about the hierarchy, the following were recurring themes:

Purpose, Application and Impact: The hierarchy makes sense if its purpose is to minimize disposal of solid waste. The 3Rs are good. When something is disposed of on the land, it means we have wasted it by not capturing more value from it and also wasted the land it is stored on. Some participants wanted to know the volume reduction in incinerators. Those representing waste-to-energy facilities agreed that their facilities achieved approximately 80-90% volume reduction, which was noted by many as a significant success for the hierarchy.

Many people stated that the concern about the hierarchy isn't debate over its structure but rather over how the hierarchy is applied and how the pieces work together. Some noted a desire for more guidance on why the hierarchy exists and how it is to be used. Others noted a lack of integration among the pieces of the hierarchy, and stated that if options low on the hierarchy are being used, it should be after first having explored the possibilities of using the top strategies (the 3Rs). They noted that the fact that Maine is opening new landfills while not reaching state recycling goals suggests that something isn't working.

There was a range of opinions regarding the impact of the hierarchy. One participant stated that application of the hierarchy has been important, and that changing the hierarchy now could confuse the public. The question was posed about how things would be different if there were no hierarchy. DEP stated that if the hierarchy didn't exist, it would not change their program choices because the priorities in the hierarchy make good environmental sense. SPO stated that the absence of the hierarchy would leave them without consistent integrated goals. Several participants noted their appreciation to the SPO staff and their work that supports municipal activities. Municipal participants said they would continue to pursue recycling because it makes economic sense. A common theme expressed was that individuals and businesses make their decisions based more on economics and ease than on the hierarchy itself. One participant expressed that without the hierarchy, there would now be lots more landfills. Lastly, a participant stated that there is no objective way to measure the effectiveness of the hierarchy, and that the SPO Capacity Report, which shows waste increasing in Maine provides one answer to the question of effectiveness.

3Rs/Incineration-Landfill Split: One participant asked whether perhaps peoples' concerns regarding the hierarchy are primarily about the rank ordering of incineration or landfilling, not a concern about any of the top items on the hierarchy. There seemed to be general agreement that the 3Rs should remain as the highest priorities, and everyone wants to see performance rates for the 3Rs increase. Other participants responded that level of concern on which item is ranked where depends on how the hierarchy is used, and that if it is applied more consistently, people might care more about the order of the top three as well.

Economics: To bring recycling rates to the 50% goal, there have to be both regulations and incentives for municipalities to grow their recycling programs. Businesses are often more on-board than homeowners on recycling, so more economic incentives to encourage this desired behavior would be beneficial. Because we can see that waste isn't all flowing where we'd like it to, resources need to be devoted differently to make improvements. The prioritization of the 3Rs in the hierarchy isn't nearly as significant as bottom line costs. When we look at what is working, we see that the answer is dependent on cost. If it costs more to recycle than not to, people and municipalities and businesses will choose not to recycle. When the cost of recycling decreases, people are happy to recycle.

GROUP ASSESSMENT AND ANALYSIS OF THE HIERARCHY

The bulk of work on the hierarchy occurred in the form of group brainstorming and group evaluation of ideas listed on flip charts in front of the task force by the facilitators. The notes captured on the flip charts are recreated here.

WHAT IS WORKING WITH THE HIERARCHY?

- The waste to energy facilities have decreased waste volume going into landfills.
- Expectations and public understanding.
- Solid waste reduction is much better than in 1988 before the hierarchy.
- Businesses have incentives.
- The program is working, all the necessary elements are in place
- It decreases disposal quantities. Without the hierarchy the landscape would be dotted with landfills.
- It has economic incentives for the lower items on the hierarchy to drive action
- The Bottle Bill is the best in the nation. We could apply that model to other materials in the waste stream.
- Pay-as-you-throw systems seem to be reducing disposal streams in communities in Maine that have implemented them. 130 communities in Maine have these, where you have to pay to throw away waste but not to recycle. This both decreases the waste stream and generates some revenue. Bowdoinham was noted as a municipality where waste volume was reduced from five to three tons per week and recycling rates increased substantially in response to the implementation of a pay-as-you-throw program.

WHAT ISN'T WORKING WITH THE HIERARCHY?

The group identified the areas in which they felt the hierarchy is not working, which were listed on flip charts. After all ideas had been expressed, each participant was given five sticky dots by which to indicate the areas they felt were most important on this list, in order to get a sense of which issues to focus the remaining afternoon discussion on. The numbers in parenthesis indicate the number of priority dots participants placed by each item.

1. There is no common understanding of how the hierarchy is applied (19)
2. There are too few financial resources applied to the task of applying the hierarchy and not enough matching funds for municipal programs (11)
3. No economic incentives for 3Rs (9)

4. Costs are divorced from the hierarchy (9)
5. Homeowners and municipalities need incentives or rules (9)
6. It doesn't address out-of-state waste (9)
7. 3Rs are not applied enough prior to using processes lower on the hierarchy (7)
8. How it is communicated (6)
9. The need to re-educate every generation of the public (5)
10. It doesn't address packaging or purchasing behavior (4)
11. Not being applied on the ground (especially 3Rs) (3)
12. Not applied cohesively (3)
13. The town threshold levels for incineration take priority over the hierarchy and work against efforts to increase the 3Rs (3)
14. It only considers solid waste (not amount of air pollution generated) (3)
15. Not being applied cohesively (3)
16. Need to change business and individual habits (2)
17. Its usefulness depends on the material being considered (1)
18. If Maine is opening new landfills and not meeting the 50% recycling goal, something isn't working (1)
19. Counting and comparing needs to be on a level playing field (i.e. compare the same type of materials when looking at recycling numbers across states or other entities) (1)
20. The 3Rs policy has little impact (1)
21. There is no objective way to assess outcomes of state policies and programs, and no evaluation of bond expenditures (0)
22. The hierarchical (vs. system) approach leads to unrealistic expectations such as having no landfills (0)
23. The 3Rs depend on citizen action, not municipal control (0)

After the task force members indicated the most important items (above), the facilitators did a preliminary grouping of items by common themes and identified the top 5 issues, which were then discussed in more detail by the task force. Participants were asked to identify the impacts resulting from these problems and to propose possible solutions. Their comments are noted in the table on the following two pages. Following this discussion, the participants brainstormed additional general solutions, which have been included in the table below. The prioritization tallies are shown in parentheses.

ISSUE	IMPACTS	POSSIBLE SOLUTIONS
<p>1. Application of the hierarchy: There is no common understanding of how the hierarchy is applied (19). 3Rs are not applied enough prior to using processes lower on the hierarchy (7). Hierarchy isn't being applied cohesively (3). Not being applied on the ground (esp. 3Rs) (3). Its usefulness depends on the material being considered (1). Solid waste management too complicated to fit into simple hierarchy (from morning discussion).</p> <p>Total: 33</p>	<ul style="list-style-type: none"> • Uncertainty for applicants and for regulatory agencies that are not state agencies but have to deal with the hierarchy • Can create the impression that items are mutually exclusive or in competition, which can lead to disputes during the regulatory process that facilities low on the list shouldn't be permitted (when they all need to exist). 	<ul style="list-style-type: none"> • Articulate whether the hierarchy is guidance or a rule, i.e. is it required? • Expand hierarchy language so that it becomes a guidance purpose statement. • Create specific regulations to accompany the hierarchy. • Be clear in the statute <i>how</i> the hierarchy should be used. • Define/articulate that all items on the hierarchy are necessary and that each item has its own function and purpose (integrated system). • Hierarchy should be expanded to include education, universal waste, and the bottle bill. • Anticipate waste stream changes coming in the next decade and design policy to address anticipated needs in advance. • Leave the hierarchy as is.
<p>2. Economics and other drivers: Costs are divorced from the hierarchy (9). There are no economic incentives for the 3Rs (9). The town threshold levels for incineration take priority over the hierarchy (3).</p> <p>Total: 21</p>	<ul style="list-style-type: none"> • The cost of pollution is passed on to the public if it isn't front-loaded • Decision-making is disconnected from economics 	<ul style="list-style-type: none"> • Replicate and/or expand successful models, such as producer take-back and stewardship of products (like are currently in place for tires, car batteries, etc.) and bottle bill. • Do a cost-benefit analysis that broadly considers present and future costs when applying the hierarchy. One-size fits all application of the hierarchy may not be a good idea. • Develop policy to tie economics with the hierarchy to help shape how people make decisions. • Reduce the toxicity of waste going to landfills and waste-to-energy plants in order to encourage economic investments. • Pay-per-bag changes behavior. • Remove the disincentives for doing the 3Rs such as waste supply thresholds (it was stated that towns could recycle themselves into a corner if they produce too little waste for their disposal facility).
<p>3. Financial resources and program support: There are too few financial resources applied to the task of applying the hierarchy/promoting the 3Rs and not enough matching funds for municipal programs (11).</p> <p>Total: 11</p>	<ul style="list-style-type: none"> • There has been a decrease in interest in environmental programs 	<ul style="list-style-type: none"> • Provide more state matching funds for municipalities. • Earmark money for cleaning up the waste stream. • Determine the appropriate level of staffing, provide the requisite funding, and increase state-level staffing to that level. • Increase public awareness and remind the public that the 3Rs are important, which can then lead to the public advocating for more funding support of the 3Rs. • Use unclaimed bottle deposit funds. • Develop a toolkit for municipalities of things they can do to reduce waste, especially in rural areas. • Look more to the private sector approach (combine Issues 2 and 3).

ISSUE	IMPACTS	POSSIBLE SOLUTIONS
<p>4. Changing public's actions: Homeowners and municipalities need incentives or rules (9). Need to change business and individual habits (2).</p> <p>Total: 11</p>	<ul style="list-style-type: none"> • Not identified. 	<ul style="list-style-type: none"> • The State could impose pay-as-you-throw state-wide. • Start with education and incentives before imposing any more regulations (though pay-as-you-throw statewide may be ok). • Let the State handle disposal of toxic materials it diverts from municipal solid waste streams. This would promote regionalism and efficiency.
<p>5. Communications and Education: How it is communicated (6). The need to re-educate every generation of the public (5).</p> <p>Total: 11</p>	<ul style="list-style-type: none"> • Not discussed. 	<ul style="list-style-type: none"> • Not discussed as specific issue. • Increase funds available for education programs about waste disposal options (from discussion of general solutions).
<p>6. Out-of-state waste: The hierarchy doesn't address out-of-state waste (9).</p> <p>Total: 9</p>	<ul style="list-style-type: none"> • Landfill capacity is scarce • Trucking, road conditions, and odors 	<ul style="list-style-type: none"> • Only approve state-owned landfills. • Define what qualifies as out-of-state waste. • Collaborate regionally with the other New England states on waste policy. • Charge a fee on all waste brought into ME, and distribute that among the municipalities (that also have to pay a fee for their waste) which will lead to a higher tipping fee and will decrease the attractiveness of bringing waste in from out of state.
<p>7. Broader scope: It doesn't address packaging or purchasing behavior (4). It doesn't consider air pollution impacts (3).</p> <p>Total: 7</p>	<ul style="list-style-type: none"> • Not discussed. 	<ul style="list-style-type: none"> • Not discussed.
<p>8. Organizational (from discussion of general solutions)</p>	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • Develop and implement the 5-year solid waste management plan. • Create an ongoing working or advisory group on solid waste. • Assess grants results of state money given to municipalities in the past decade, establishing benchmarks of success. • Recreate a separate state agency totally devoted to waste management, since only six people in the SPO currently provide these services to the entire state. • Ensure that when comparing recycling rates across states, comparisons are appropriate (compare systems incorporating the same types of waste).

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE

MEETING TWO - NOTES & SUMMARY

10:00am-4:00pm, November 1, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: John Adelman, Jeff Austin, Paula Clark, Peggy Daigle, Mark Draper, Steve Dyer, Will Everitt, Gloria Fredrick, Dawn Gallagher, Chris Hall, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Fergus Lea, William Lippincott, Greg Louder, George MacDonald, Jeff McGown, Don Meagher, Troy Moon (for Mike Bobinsky), Sam Morris, Stefan Pakulski, Peter Prata, Kevin Roche, Laura Sanborn, Ron Smalley, Barry Tibbetts, Filomena Troiano, Paul Therrien, Sarah Wojcoski,

Members of the Public Present: Matt Arnett, Marnie Bottesch, David Bragdon, Jody Harris, Cathy Lee, David Littell, Mark St. Germain, Sam Zaitlin.

Facilitators: Jeff Edelstein, Ona Ferguson.

Others in Attendance: Aimee Dolloff, Jackie Farwell.

Welcome

Sue Inches of the State Planning Office welcomed participants and reminded the group that the purpose of the task force is to share a range of perspectives on important issues to inform SPO recommendations to the legislature. This is the second of three meetings from which SPO will compile notes and make recommendations to the Natural Resources committee. Participants are welcome to contact SPO at any time about the notes from these meetings and any additional comments. Please email Sam Morris.

Participants then introduced themselves, and the facilitator reviewed the process, which included small, diverse breakout groups in both the morning and the afternoon which would be charged with going in depth on the subject of disposal capacity.

Additions and Changes to the Notes from Meeting One

Participants were asked to offer any comments or additions on the Meeting One notes.

- Page 6: While incineration has decreased waste volume, it is important to note that there is more waste coming into Maine landfills now – this is not working.
- Page 12: It should read “recyclables are considered solid waste,” not “solid waste is considered a solid waste” – the point was about changing the definition of solid waste.

Additions and Changes to the Assessment Regarding Disposal Capacity

Participants were asked to give feedback on the portion of the assessment that addressed disposal capacity. They gave the following additions and changes:

- Add: concern of state vs municipal control: One participant expressed that regulation of environmental impact of solid waste facilities is disproportional to how those impacts are regulated for other land uses. For example, solid waste facilities have a review of traffic impact in which the threshold is so low that DOT considers it below the radar screen for other uses. Regarding water quality, landfills are not allowed to show any statistical change in any water quality parameters above background, yet there is no other use that has to meet that high of a standard. One participant responded that the word “reasonable” regarding impact is unusual for landfills because they will be there forever, whereas the industry that put the landfill there will be gone. Some landfill impacts (water quality and the land itself) will always be there, so regulations addressing this must be reasonable. Another participant noted that some impacts may go away after a facility is closed (like traffic), while others may not.

Regulations should look at each impact and only consider it uniquely for solid waste disposal facilities if the activity is distinct for that industry versus for other land uses. The group as a whole appeared to agree that the impact of solid waste facilities versus other land uses or facilities should be assessed on an “apples-to-apples” basis.

- Regulations for landfills are performance-based, which is appropriate.
- Regulation of solid waste facilities is one of the few things municipalities don’t have control over. Local towns are not allowed to regulate solid waste more stringently than at the level of state rules; this is different than most (but not all) other issues under home rule.
- Add under bullet 3 on Facility Siting: Siting of landfills should be based on a balance between siting landfills distant from immediate neighbors, but not unreasonably distant from where the waste is generated. Increasing fuel costs (i.e., trucking costs) may play a larger role in determining landfill location in the future. Some members expressed that locating a landfill near a community can make for transparent operations due to visibility and people being aware if there is a problem, while another member expressed that the downside is that community residents are “lab rats” for health, groundwater, and environmental impacts.

Discussion of the small group policy questions

A handout listed 7 policy questions to be addressed by the breakout groups. The large group discussed the wording of policy questions 6 and 7 which originally read: 6) Is there a compelling interest for the state to help keep the eight municipal landfills operating in the state open?; and 7) Is there a compelling interest for the state to help keep the publicly-owned waste-to-energy facilities open? A participant suggested they be reworded to be more neutral, perhaps to read “should the eight municipal landfills remain open?” Another participant suggested wording it: “on what basis should the state decide whether to keep municipal landfills open?” Sue Inches stated that there is a need for clearer criteria around this. A participant noted that the only way the state could exercise control regarding municipal landfills is if the landfill isn’t meeting the terms of its license. The state can’t arbitrarily close a landfill because it chooses to do so. Another participant requested that the small groups address another question, numbered #8: “Should something be done about the fact that landfills are filling more quickly than anticipated?”

There was discussion about how to address capacity issues when the capacity landscape is continually changing. It was expressed that discussion of solid waste management capacity always includes some uncertainties and that at this stage the group should focus on the questions of how the state makes decisions regarding capacity, rather than attempting to fine-tune the question of how much capacity is remaining. It was suggested that the goals are for the legislators to understand the nuances and main themes of these discussions, not for the task force to come to conclusions itself. There was broad interest in the group to have more information about remaining capacity in the state and how those projections are arrived at. George MacDonald asked the group to consider if the current process for making capacity decisions is as it should be, and if the triggers are appropriate.

Breakout Groups

The task force members split into 3 groups with the membership of each group developed by the facilitators to represent a cross-section of interests. During the morning breakout groups, the participants discussed what is working and what isn’t working in the different policy areas. After lunch, the participants each noted their preferences for subject area for the afternoon breakout sessions which were to look at impacts and solutions. This brought the following five issues to the forefront of the conversation:

1. Does Maine need additional capacity?
2. How do capacity decisions get made?
3. Public Benefit Determination – how does it play out over time?
4. Commercial Disposal Ban
5. Municipal Landfills, Public WTE Facilities

The summary table of topics and rankings is shown on the following page.

Information Needs

- Participants would like information on capacity projections. Where is the state getting its capacity numbers that it is reporting? What is being counted? Could a breakdown of capacity be done by subcategory of municipal solid waste, special waste, and CDD in Maine and in the New England region? SPO will provide what is currently has to participants at the next meeting and consider how its disposal capacity analysis could be refined and improved in the future.
- Could SPO please bring the new vertical expansion legislation to the next meeting?
- SPO should do an analysis to establish the capacity needed to meet state needs for the next ten years, including an analysis of the whole New England region.
- SPO should do an analysis of tipping fees in all of New England to see what the market incentives are for disposal

Public Comment

Members of the public who were present provided some degree of input to the breakout groups. During the afternoon full group discussion, members of the public were asked if they had any comments and none were offered. One person said that he had a comment on host communities and would hold that until the next task force meeting when that subject is addressed.

SELECTION OF AFTERNOON SUBJECTS (FROM MORNING THEMES)

Subject Description	Number of Sticky Dots Rec'd
Italicization and letters in brackets indicate that that subject was pulled out and tagged as a subject for further inquiry in the afternoon	
<i>Restriction on commercial solid waste disposal facilities: not much desire to lift the ban, but some issues to address how the ban is used [D]</i>	14
<i>Public Benefits Determination [C]</i>	14
• How it plays out at a site over time	4
• Has it ever led to a denial of project approval? (How important is it?)	0
• Application to vertical expansion	3
• Definition, breadth, scope	0
Increase Capacity in Landfills	6
• Difficulty of projecting capacity, rates, why rates are changing	2
• Difficulty projecting and evaluating range of economic and other impacts	1
• <i>Do we need additional capacity? [A]</i>	28
• <i>How do capacity decisions get made by the state? [B]</i>	16
Use of airspace – out of state waste and construction and demolition debris	2
• Lower tip fees in Maine attract OOS waste	3
• OOS waste lowers tip fees for Maine waste presently	5
• OOS waste may increase tip fees for Maine waste later	3
• CDD is a problem, and something must be done about it	22
<i>Municipal landfills, public WTE facilities [E]</i>	10
• These provide functions that the commercial sector doesn't	2
• There are concerns about municipal landfills expanding into broader (OOS) material	2
• There is not agreement on the role of the state	1
Fill rates	2
• It isn't that the rates are a problem, but predicting them is one	0
• Need to know the impact of high and low fill rates	2

PUBLIC BENEFITS DETERMINATION – SUMMARY OF FULL DAY’S DISCUSSIONS

Key points/What is Working:

- It is important to look at public need.
- It is an important tool for DEP.
- It is applied evenly.
- It examines Maine's public needs, not other states

Other points/questions:

- Does it take into consideration new technology over time?
- If there is a public need; does that justify the public expense? The impact on public finances is part of the PB determination

Public Benefits Determination		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
<p>Structure:</p> <ul style="list-style-type: none"> • Poor definition; not quantitative • It is too narrow in the scope of what is considered for public benefits and risks. • PBD should also take into consideration regional/local benefit/need as well as statewide; need to respect local concerns; need to site facilities closer to where the waste is generated • Doesn't consider hierarchy sufficiently. <p>Applicability/implementation:</p> <ul style="list-style-type: none"> • The requirement for PBD now just applies to disposal facilities • It isn't applied to vertical expansion • It may not be consistently included in the state's decision process • It creates frustration in some members of the public who perceive it as ineffective in addressing issues such as OOS waste. • <p>Monitoring:</p> <ul style="list-style-type: none"> • No ability to revisit original decision on which PB was determined (i.e. no provision for inflation or growth; presumes flat generation) 	<ul style="list-style-type: none"> • Issues of practicality and political feasibility • Applicants may not know what to propose • Legal issues 	<p>Structure:</p> <ul style="list-style-type: none"> • Make consistent and uniform in its application across facilities • Establish objective, quantifiable standards • Reserve a certain percentage of capacity for Maine-generated waste (if constitutional) • Ask if the facility serves a need identified in the state plan/horizon • Should include an economic determination • Define public benefit in the state rule • Develop a threshold standard after which PBDs have to be done • Aim to offset adverse impacts (roads, oversight, etc) statewide • Linkage between facility applicants and control over waste reduction <p>Applicability/implementation:</p> <ul style="list-style-type: none"> • Any capacity expansion should be required to submit a PBD, whether vertical or horizontal • We may also want to determine PB for processing facilities, large transfer facilities, recycling possibly. Disposal is only one part of the solid waste picture.

Sometimes predicted benefits don't come as expected.		<p>Monitoring:</p> <ul style="list-style-type: none"> • Link the PBD to the permits or DEP licenses for accountability over time (to guarantee enforceability and follow through) • If predicted benefits don't come as expected there should be an adjudicated process to determine if those responsible were negligent or if circumstances beyond their control changed. <p>Other:</p> <ul style="list-style-type: none"> • Look at how other states approach disposal facility ownership issues • Revisiting the PBD at a later time is not an issue. • It should be taken more seriously • Increasing recycling helps
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BAN ON COMMERCIAL LANDFILLS - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- The ban has broad support, but there are questions about impacts that it may have had and will have in the future.
- It was suggested that if significant changes to the ban were to made, these should be done 5 – 10 years out because of the business decisions and investments that have been made based on the ban.
- It was suggested that even if the ban were lifted, the private sector not attempt to site a new facility because of political pressures and NIMBY
- Also questioned was whether the public sector has the resources/capability to site/build new facilities.
- The broader question was raised of how Maine will be able to site facilities in the future.

What is working:

- Helps limit OOS waste.
- Achieved original intent; restricted the development of commercial facilities; prevented proliferation of landfills.
- Maine has lots of capacity now.

Ban on Commercial Landfills		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
May have eliminated the ability of small commercial landfills from being developed (all run now by the larger operators), but this might have been the case anyway because of regs. No new <u>public</u> facilities have been built in all this time either which raises the question: does the public sector have the resources/capacity to	Relaxing the ban could result in commercial landfill owners bringing in OOS waste. The ban has limited disposal options or alternatives that commercial sector might have brought Could lead to capacity shortage in future because the state has less resources to develop facilities than the private sector.	After commitments to those who have made business decisions based on the current regulations, perhaps changes could be made. This could be considered in 5 years by the next Solid Waste Task Force There should be a clear definition of the term

<p>site/build new facilities?</p> <p>Has led to the birth of the Hybrid (publicly-owned, privately-operated). This raises a host of administrative questions (i.e. who is responsible, who deals with DEP)</p> <p>Hasn't enabled obtaining the 50% recycling goal.</p> <p>Context for solid waste management is different today than in the 1980's when the ban was established.</p> <p>Might commercial landfills bring in efficiencies, new waste management technology, and opportunities better than municipalities?</p>	<p>Lack of knowledge of whether the ban has resulted in increased disposal costs.</p> <p>Public recycling provides revenues to municipalities.</p>	<p>“commercial”</p> <p>Change could happen, but slowly – in say 50 years from now</p> <p>Economic impacts of the ban should be revisited – would additional capacity lower prices? Open borders would need to be assessed regionally, as it is a very complex subject</p> <p>Might a hybrid model be possible where the town acts like the state, providing technical assistance on what is feasible, identifying parameters, and incorporating acceptable approaches into policy?</p> <p>Maybe opening competitive bidding for operators would be good</p> <p>There should be clarity on the state's role as the owner.</p>
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OUT OF STATE WASTE - SUMMARY OF FULL DAY'S DISCUSSIONS

Out-of-State Waste		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
<ul style="list-style-type: none"> • By-pass and ash from OOS waste processed in Maine takes up capacity that could be used for Maine-generated waste. There is an imbalance of import and export of waste. • We are importing too much and so getting short on capacity. • Some OOS waste classified as hazardous in the state of origin is not classified as hazardous in Maine. • OOS wastes could help offset the costs of managing waste in Maine; could be part of the solution. But OOS waste also takes up needed capacity for Maine waste. 	<p>None discussed</p>	<p>None discussed</p>

MUNICIPAL LANDFILLS AND PUBLIC WASTE TO ENERGY FACILITIES - SUMMARY OF FULL DAY'S DISCUSSIONS (PAGE 1 OF 2)

What is working:

- It is capacity
- Municipal landfills increase competition.
- Some municipal landfills serve areas that would be under-served by the commercial sector.
- Different approaches serve different needs; "one size doesn't fit all".

Other:

- Assumptions in the SPO capacity analysis includes these facilities; what would be the impact of their closing?
- Are there things the state can do to extend the life of these facilities (recycling, waste reduction) (operational changes)?
- Should the state do more from a policy perspective to keep these facilities open (i.e. subsidize them?)
- From a capacity standpoint, does it make sense to continue what we're doing? Does current organization of solid waste management make sense from capacity standpoint?

Municipal Landfills and Public WTE Facilities (Page 2 of 2)		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
<ul style="list-style-type: none"> • Towns are losing their ability to manage landfills (staff reductions, budget cuts) 	<ul style="list-style-type: none"> • Capacity for now seems fine. • To consider this, we need to know capacity levels 	<ul style="list-style-type: none"> • The state should look to future capacity needs • Maintain the rules that exist, because things are working now. • Some public/private arrangements may be desirable. • Plan for the future with adequate time to establish incentives rather than punishing those who are doing business as usual • If municipal landfills start taking out of state waste and acting like commercial landfills, the state may have a role in preventing that. • Commercial activity by municipal landfills could require a Public Benefits Determination (to see where and when commercial activity might make sense). • There needs to be a fair playing field; state facility or state-subsidized facility vs a local facility • Are there things the state can do to extend the life of these facilities (recycling, waste reduction) (operational changes)? • Should the state take over municipal landfills? State-owned municipal landfills could make existing capacity available to other users. • There could be mechanisms for towns to have opportunities and

		<p>options for saving money in solid waste disposal (this is a huge idea and would happen only when whole state was a clean slate) – it would be great if towns that recycled a higher percentage of their waste were charged less per ton in disposal fees. This would be a market incentive instead of a market barrier.</p> <ul style="list-style-type: none"> • Good for the state to have a plan, and to ensure that environmental and other regulations are upheld. Otherwise, the state should leave landfills alone • There is interest for the state in municipal landfills staying open, so the state should ensure continued operation of municipal landfills as long as they are serving municipal needs • The state should ensure that WTE plants stay in operation because they create significant volume reduction, help keep our landfill capacity, because they never fill up, and because they contribute renewable power and jobs
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CONSTRUCTION AND DEMOLITION DEBRIS - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- We have 2 dozen small, unlined, municipal CDD sites (stump dumps); should we extend their life and/or continue their use? Should this be part of the CDD infrastructure in the future?
- Constitutional issue.
- Need to re-evaluate tipping fees and the spot market.

What is working:

- It brings in money to those who get paid for it.
- Local sites are cost effective; presents an opportunity for managing CDD; as long as it does not impact water quality.
- OOS waste decreases tipping fees for in-state waste.
- Plants need waste to be energy efficient, which means they sometimes need to import CDD when they are otherwise under-capacity.

Construction and Demolition Debris		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
<ul style="list-style-type: none"> • Our tipping fees are too low, which is why we get other states' CDD. Towns want to know they're getting a fair disposal fee, regardless of their location or population. • OOS waste displaces room for in-state waste, which is 		<ul style="list-style-type: none"> • Tipping fees should be consistent statewide for all communities

<ul style="list-style-type: none"> a concern for the future. State of MA reuses/recycles almost 90% of CDD (includes biomass), a lot through beneficial reuse 		
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NEW CAPACITY AT WEST OLD TOWN AND LEWISTON - SUMMARY OF FULL DAY'S DISCUSSIONS

Key Points:

- Adding new capacity to existing facilities will be difficult politically, public sentiment
- West Old Town Landfill affects capacity and time line a great deal

What is working:

- Reduces the need for new landfills.
- Existing sites are easier to develop than greenfield sites.
- Professional operations

New Capacity at West Old Town and Lewiston		
ISSUES	IMPACTS	POSSIBLE SOLUTIONS
<ul style="list-style-type: none"> State statute of generator-owned facilities does not allow a mix of wastes Lack of clarity in statute regarding what is a public versus private facility. 	<ul style="list-style-type: none"> Takes pressure off of recycling efforts Doesn't expand competition. Could result in importation of more OOS waste. Could reduce waste going into publicly-invested and other existing facilities. The impacts of new capacity positive or negative are unknown. These impacts could be far-reaching beyond just the impacts on nearby existing facilities. 	<ul style="list-style-type: none"> Need to look at most optimal mix of wastes in future (i.e. at West Old Town Landfill); especially as it relates to recovering methane gas Enhance beneficial reuse in Maine Any new capacity would have to be for Maine (in-state) benefit

CAPACITY – DO WE NEED ADDITIONAL CAPACITY, HOW DO CAPACITY DECISIONS GET MADE BY THE STATE? - SUMMARY OF FULL DAY'S DISCUSSIONS (PAGE 1 OF 2)

Key Points:

- Capacity issues are different for landfills vs. incinerators; also they are different for different regions of the state depending on whether on the type of disposal options open to them (incineration vs. landfills).
- Licensed capacity is not available capacity unless it is built; the overall state capacity won't be changed by licensed capacity, only by built capacity
- Discussion of capacity is contingent on the resolution of court challenges against the West Old Town landfill.
- Task force policy discussions are best focused on how decisions relating to capacity are made rather than on determining current available capacity.

How Should Capacity Decisions Be Made? (Page 2 of 2)	
ISSUES/IMPACTS	POSSIBLE SOLUTIONS
<ul style="list-style-type: none"> Increasing capacity goes against waste decrease efforts in the hierarchy, because cheaper disposal leads to decreases in recycling rates. Is the state artificially restricting capacity to increase costs to then in turn decrease waste generation? The decision has already been made for fewer larger sites rather than more smaller sites Concern that OOS waste displaces capacity for in-state waste High pricing of capacity serves as a recycling incentive Ensure space for future need (have it in reserve) – there should be a safety net with a long-term horizon Is the state committed to its responsibility? There are benefits to long-term future-oriented processes in terms of fairness to citizens and public expectations. If we add or remove capacity, we upset the stable framework that we know today. There is some security knowing there's a safety net of additional capacity should it be needed. Capacity issues include: economic impact, its effect on tipping fees, its effect on existing disposal facilities, the need for capacity, should it be licensed, and do we need it. Types of capacity: licensed, planned, necessary, discretionary, regional (within Maine), capacity needs, recycling (Jody) How do you estimate how much time is needed to develop capacity and what's the basis for that decision? 	<ul style="list-style-type: none"> Information should come from all facilities in their annual reports to DEP (or calls to each facility) Capacity numbers should be Maine-specific, or at least distinguish between in-state and OOS waste Should these be based on lowest cost for greatest number of people? Should be based on Maine-generated waste in terms of both volume and ton Should be based on <i>needed</i>, not <i>discretionary</i> capacity (this distinction should be made) Should consider the stability of existing facilities Should include an assessment of fill rates It needs to consider more than four years out It needs to identify available licensed capacity Consider “reduce, reuse, recycle” first to meet capacity needs Make recycling mandatory now Should there be an economic trigger for creating additional capacity? Maintain a diversity of options Should there be ways besides the Public Benefits Determination to limit capacity? Plan as if there could be a huge natural disaster (what would Maine do with the waste?) Do we need another Carpenter Ridge? Excess capacity on the ground isn't necessary, but it is important to have it in reserve. Need to plan for recycling as well as disposal capacity. Physical and fiscal need is the test for determining whether we need additional capacity Need longer lead time in developing future sites. What is the appropriate length of time? Maybe have a planning horizon of 100 years? Create a state inventory of suitable sites Could an entity other than the state be responsible for long-term planning and management of waste (municipal, state, or private)? Increased recycling and increased disposal bans We don't want an over-supply of capacity (because this will invite in OOS waste, lead to unnecessary financial and environmental costs, and lead to NIMBY) Address regional needs

RATE OF USE OF DISPOSAL CAPACITY - SUMMARY OF FULL DAY'S DISCUSSIONS

Key points:

- We count on sparse population and technology, and so don't worry much about capacity
- 5 years of existing landfill capacity left (not including West Old Town Landfill for which there is a pending legal challenge)
- A great deal of incinerator capacity remaining (in years). Incinerator operators told us last time that each facility has nearly and unlimited life; if investments and upgrades are made as needed
- There is at least a 10-year lead time for identifying, permitting, licensing, and building a new landfill.
- Would need 2 construction seasons to get Carpenter Ridge Operational
- Who has access to future landfill capacity?

What is working:

- The cost of trucking decreases use of capacity, which is in alignment.

Rate of Use of Disposal Capacity	
ISSUES	POSSIBLE SOLUTIONS
<ul style="list-style-type: none">• Facilities are using capacity faster than they projected in their license applications.• 4-year trigger may not be sufficient (SPO is required to notify the Legislature at the point when the state has 4 years of remaining landfill capacity. At this point the Legislature would consider whether to direct SPO to proceed with building Carpenter Ridge).• OOS waste is an unknown variable that makes it exceedingly difficult to plan for future needs (especially time estimates)• OOS waste leads to a decrease in the capacity for Maine waste• MSW increases 5-8% (tons) every two years. What are the reasons for the growth; why are we using more capacity than anticipated?• Individual financial needs of particular facilities leads them to seek OOS waste, which then decreases capacity. (note: this is an issue for just one landfill that is filling faster than anticipated)• The challenge is that Maine is caught between social and market-based systems.	<ul style="list-style-type: none">• Need an analysis/study of this question.• Also forecast the impact of wood waste that will result from the GP contract (West Old Town Landfill)• Assess fees as way to slow disposal growth.• Have as a goal to decrease the panic around capacity by planning better• If one town recycles at a higher rate than another, should it get cheaper disposal rates (so towns generating a higher percentage of waste get charged more) – this would align incentives.• Reimburse households for high municipal recycling rates – maybe give a “recycling exemption” in property taxes by giving some financial reward to the town.

Facility siting - Solutions:

There should be a state plan on siting WTEs, and maybe incinerators should be sited near landfills in the future (it might be too late for this now)

Other Issues - Solutions:

Towns could create aggregated contracts with other towns and landfills to get better prices per ton. Right now there is no incentive to reduce volume of waste in disposal fees. There is, however, an incentive to reduce volume of waste because of decreased trucking costs and avoided disposal costs.

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE

MEETING THREE - NOTES & SUMMARY

9:30am-4:30 pm, December 6, 2005
Augusta Elks Lodge, Augusta, Maine

Task Force Members Present: John Adelman, Jeff Austin, Paula Clark, Peggy Daigle, Steve Dyer, Gloria Fredrick, Chris Hall, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Fergus Lea, Lee Leiner, William Lippincott, Greg Louder, George MacDonald, Jeff McGown, Don Meagher, Troy Moon (for Mike Bobinsky), Sam Morris, Stefan Pakulski, Peter Prata, Melissa Labbe (for Kevin Roche), Laura Sanborn, Ron Smalley, Filomena Troiano, Paul Therrien, Sarah Wojcoski.

Members of the Public Present: Matt Arnett, Marnie Bottesch, Jody Harris, Lesley Jones, David Littell, Mark St. Germain, Sylvia St. Pierre, Craig Worth, Sam Zaitlin.

Facilitators: Jeff Edelstein, Ona Ferguson.

Welcome

Sue Inches of the State Planning Office welcomed all participants and told the group that the SPO would be planning one final shorter meeting of the task force later in the winter to review SPO findings from the group's work and SPO's recommendations to the Natural Resources Committee.

The task force spent most of the day in 3 concurrent breakout groups addressing the following range of issues:

- Host communities
- Local communities
- Abutters
- Host agreement negotiation process
- Managing waste:
 - Construction and Demolition Debris
 - Material Bans
 - Beneficial Reuse
 - Recycling
- Public Education
- Regional Approaches
- Other

HOST COMMUNITIES

Key themes:

- Some feel that host communities would benefit from more specificity in statute and a broader list of impacts, while others feel that having flexibility is of benefit to the host communities.
- Having a framework that guides the process, but allows for flexibility, could have some benefit.

HOST COMMUNITIES	
Issues	Solutions
Agreement terms: <ul style="list-style-type: none"> • Current compensation deals are based too much on landfills' goodwill rather than on quantifiable details of each landfill. 	Agreement terms: <ul style="list-style-type: none"> • The state statute should lay out parameters for reasonable amounts that will be the baseline for the content of a negotiation, for example: if the facility is X

<ul style="list-style-type: none"> • What in particular is the compensation for? • There is benefit to keeping the negotiations flexible. • Host communities often want to be recognized for bearing the burden for the region; they want other users to help with the costs of the impacts • Current minimum required benefits are too low. • There needs to be state-level guidance on local communities' negotiations that aren't based on "soft" terms like "good faith," rather it should give some indication of what might be appropriate baselines or formulas. • State-owned facilities create a different dynamic for host communities than commercial facilities, in that the state both owns the facility and enforces regulations on the facility. 	<p>size, and will take in Y tons, the negotiation should begin at the \$Z level of compensation.</p> <ul style="list-style-type: none"> • For statutorily defined compensation, the amount of compensation should to be quantifiably related to the impact, like an impact fee that municipalities can assess. (Concern expressed: One size does not fit all; each municipality is different). • Statute should provide more specifics and should include a broader range of impacts to be considered, including costs for review of expansions, inspections, monitoring and similar ongoing expenses. • Add to the list of impacts by surveying current host communities, and expand the list of impacts (fire department, roads, schools, visual changes, environmental impact, emergency preparedness requirements, administrative costs like code enforcement, or revenues to be used at their own discretion). • Host community benefit requirements should be same regardless of type of owner, i.e., commercial vs. state or municipality. • For publicly-owned facilities, payment in lieu of taxes should be required. • Host community agreements should include provisions for dispute resolution.
<ul style="list-style-type: none"> • Should towns be required to use the compensation to make the improvements needed to address the impacts (currently, towns can use the money for whatever they want)? 	Some felt that towns should be required to do such while others felt the town should decide (by elected officials).
<ul style="list-style-type: none"> • Can host community benefits be used to address the impact of local environmental issues? • Can communities prohibit certain types of waste (i.e. particularly offensive wastes)? 	
<ul style="list-style-type: none"> • What about host benefits for recycling processing centers? 	

LOCAL (OTHER) COMMUNITIES

Issues	Solutions
<ul style="list-style-type: none"> • Need to rethink what is the "impacted" community; impacts go beyond the host community • It is a challenge to determine which communities count and should be included. • Economics must be considered (the facility probably can't be required to pay every community or running a facility may not be economically feasible). 	<ul style="list-style-type: none"> • Statute and or rules should articulate how to decide which communities to include. Clarify, for example, if towns on the haul route get included or not, or towns on the entrance route, or abutting towns. • Conduct an environmental impact study to identify the range and extend of impacts, or create guidelines/limitations to extent of study (concern that traffic impacts, for example, for West Old Town, range as far as Augusta), or implement a stratified impact fee; the further the distance from the facility, the less the amount of benefits paid. • Ask current local communities what uncompensated impacts they feel, then the state can frame new legislation to address those issues in the future

ABUTTERS

Issues	Solutions
<ul style="list-style-type: none"> • There needs to be recognition of impacts to abutters; especially to people who already live in the area where the facility is to be sited (vs. those who move in after the facility is already there). • Concern that some municipalities disregard abutters when negotiating host benefits. • Need better education of residents/abutters. 	<ul style="list-style-type: none"> • Abutters should be compensated. • Abutters should have a say in the negotiation of the host benefit. • This should be the decision of municipality (whether to compensate abutters). • Statute should either require that the developer/facility owner negotiate with abutters or should require the town to include abutters in their negotiation process. • In list of provisions in host community agreements, 38 MRSA §1310-N(9)B., could add “Neighborhood benefits” as 5th item. <p>Concerns expressed:</p> <ul style="list-style-type: none"> • Concerns about adding requirements to what a town must do. • What about abutters located in an adjacent municipality? Where do you draw the line for abutters (how far from the facility)?

NEGOTIATION PROCESS

Issues	Solutions
<ul style="list-style-type: none"> • In Hamden, there is unequal negotiation because the community cannot say “no.” • It seems wrong that municipalities are not allowed to have stricter standards than the state. • The current statute requires reimbursement to communities for the actual cost of impacts, but this is not easy to quantify. • Local preemption such as this is rare. Can a municipality negotiate with the facility for stricter standards than permitted by state law? • Who is the owner under the hybrid model (i.e. state-owned, privately-operated); who is accountable for the maintenance of the agreement? 	<ul style="list-style-type: none"> • It should be required that an agreement is reached prior to issuance of the license (which should then be released in a timely fashion). • In the case of a stalemate, the negotiations should be put to mediation or arbitration. • As part of the negotiation process research should be done on host community benefits in other situations. • The host community should be provided with an independent negotiator so that it can participate “on par” with the developer. The negotiator should be provided by/paid for by the state. • Host community reimbursement for negotiating expenses should be increased beyond the current \$50K, which is insufficient. • New hosts should develop a list of potential impacts and a proposal to bring to the negotiation. • An independent technical review process, in which the town and the landfill jointly select the reviewers, should be done after the DEP review. • There should be a process to revisit host benefits for expansions. • Definition of “commercial facility” should be re-examined as to whether it applies to publicly-owned/commercially-operated facilities.

ADDITIONAL COMMENTS

- As these facilities provide disposal options for people around the state, the state and facility developers need to compensate those closest to the facility that bear the brunt of the operation’s impact to the benefit of the many.
- Policy needs to be clear about addressing public health issues, or perhaps the issue is enforcement of these standards.

- Is the state looking at what is the best place for disposal for these types of wastes (i.e. sludge)? Are we doing anything to reduce the generation/odor at the source? Technology is available to do this; it is feasible (treat sludge at the source to reduce odors)

CONSTRUCTION AND DEMOLITION DEBRIS

Issues	Solutions
There are no goals for the state or municipalities to move towards on this issue.	The state should establish a goal/rate for beneficial reuse of CDD and keeping it out of landfills (for wood, carpet, tiles, etc). This could be a challenge for landfills that don't separate CDD from MSW and couldn't quantify it.
Construction debris and demolition debris are different (processes, separation, contamination levels, etc), which isn't a problem now, but could be if recycling starts to be mandated.	If recycling is mandated, state policy should differentiate between construction and demolition debris, and treat them as two distinct subjects.
Information on where residents should take their CDD isn't reaching them.	Do better outreach and education.
EPA does not treat CDD as part of MSW for purposes of definitions, data tracking. We should use their model.	CDD needs to be redefined.
Incineration of CDD does not count towards recycling credit; other reuse does.	Reuse of CDD should be more creditable toward recycling.
Current "encouragements" to reuse/recycle this material include recycling credits for municipalities, public education, and lower costs to municipalities.	There should be stronger financial incentives to encourage reuse/recycling. This is the only type of incentive that works.
The 1998 State Waste Management Plan said the state needs to help create markets for this material. Has it done this? Is it working?	We need an analysis of what we're doing and whether it works.
Public has lack of trust that materials are clean or being managed properly	Need more communication, open-book policies. Definition of CDD in statute should be revised to indicate "no putrescible waste" and "no mixed loads".
General comments: <ul style="list-style-type: none"> • Reuse of CDD is good – decreases disposal needs, also brings revenue into the state. • It is a challenge to consider all the environmental and economic costs and benefits simultaneously to do a good reckoning of what is best. • Concern that large amounts of airspace at West Old Town will be used for the residual fraction of CDD. • Currently, acceptance of CDD is revenue-neutral for municipalities, who would not want to see costs increase. • Cost of labor for separating CDD can be high. • Needs to be affordable. • Only mechanism to control Out of State CDD is through fees. 	

MATERIAL BANS

Issues	Solutions
The cost of material bans affects operational and personnel costs for municipalities.	Money from solid waste fees could go to municipalities. Regional facilities could reduce costs.
Yearly disposal opportunities are inadequate for the disposal of waste that people generate every day. This is a service problem.	HHW should be collected more than once a year.
Education of citizens is a huge challenge.	There needs to be public education on why materials are banned, and a push to encourage consumers to buy environmentally friendly products. Need to make it easier for homeowners to drop off products.

What is the state's overarching policy?	There needs to be clarity on how the state determines what materials are banned and how municipalities can anticipate the next material to be banned in order to prepare.
Universal waste rules for collection are overly restrictive and do not encourage these types of collection facilities.	State rules should encourage consolidated collection facilities.
Afraid of the trend of additional material banned every year. Municipalities cannot treat these materials as MSW, but are required to manage it. There is a split between authority/responsibility.	The State should take over the responsibility for managing banned materials. There is no cost to the state with the current system of simply banning materials from disposal. Is the state policy (of removing materials from being disposed) important enough for the state to pay for it?
Materials in the bans <i>were</i> considered and chosen carefully (for example, mercury content determines many of the universal wastes). The process on determining these materials was good.	
Regarding the statement in the assessment report that "Administrative costs to handle universal wastes are high – determining manufacturer, serial numbers, etc." this has been addressed, as administrative costs to municipalities have been considered in the policy.	
This isn't an unfunded mandate, because household hazardous waste programs are voluntary by municipalities (yet it is hard for municipalities to "just say no" for a variety of reasons).	
Mercury is still going into the waste stream, even though the policy is good.	
There are local/administrative problems with implementation of the policy.	
The general trend is toward increased recycling and attention to these issues, which is good.	
Material bans are "feel-good" approaches; they are not good public policy.	
Fees on products drive illicit disposal	

BENEFICIAL REUSE OF WASTE

Issues	Solutions
There is a significant lack of political will that has hindered beneficial reuse policies	The Governor and other major political players such as the head of the DEP should be promoting beneficial reuse through speeches and other outreach efforts.
Reuse is in the hierarchy, but it isn't seen or supported as much as recycling is.	<ul style="list-style-type: none"> • State needs to take more leadership. • Provide tax credit to contractors for beneficial use of CDD. • Provide incentive for certain % of CDD on projects to be beneficially reused. • Ensure that any incentives or other policies don't create "sham" programs that result in future clean-up stockpiles.
Too few markets for reused waste materials.	Agencies like DOT should buy products to create markets.
The State's beneficial reuse rules prevent the beneficial reuse of materials <ul style="list-style-type: none"> ➤ Current rules prohibit it ➤ Proposed rules provide a small window, but essentially prohibit it ➤ Concern about pollutants ➤ Concern by municipalities that they cannot meet the standards in the proposed rules ➤ Even if they burned clean wood chips from trees; could not meet the standards in the proposed rules ➤ Technology can handle this material and meet healthy standards 	At the state level, need to work out a balance between encouraging beneficial reuse on the one hand (i.e. policy); and preventing it on the other hand (i.e. regulation).
Facility owners may not know the licensing requirements for	

BR for a range of products.	
Risk levels play a big part in BR decisions – what is technically and socially acceptable? This is a political challenge.	
Out of state waste is an issue in BR.	

RECYCLING

The following items were proposed by task force members in addition to the list that was handed out which compiled items from previous meetings:

Specific Methods:

- Require upfront deposits on more items (bottle bill model)
- Provide funding and/or technical support to initiate new programs – the funding acts as a catalyst for action and can then become self-sustaining.
- Provide incentives for businesses to recycle (like letting small businesses participate in residential curb-side pick up or business recognition programs)
- Keep seeking new sorting technology, perhaps by developing an R&D program to develop such technologies.
- Need more powerful market incentives to drive recycling
- Recycle Bank in Philadelphia is a new model. In Philadelphia, the rate of recycling jumped hugely when the Recycle Bank was established. In this program, there is curbside weighing of recycling, and households get credits or coupons based on the amount they recycle. It uses new technology to post individual credits online. This is an incentives program. They also have a pay-as-you-throw program. It may be starting in Maine in the next few years through Casella (recyclebank.com).
- Deposit fees could provide an incentive for separation and reuse/recycling. Where impose fee? Most programs currently impose it on the generator. Could provide benefits/credits to generator; look at programs like LEED.

Disposal Facilities:

- Concern: If you recycle more and your town waste goes to a regional landfill, your town may not be preserving airspace if it then gets used for other communities' or states' waste.
- Does increasing recycling necessarily mean increased out of state waste?

Education

- SPO/DEP/extension programs should educate the public – some believe they'll have to deal with EPA and have difficulty licensing composting systems.

Mandatory Recycling

- The state should encourage towns to adopt mandatory recycling (through incentives, grants, education).
- There should be state-mandated recycling (recognize constitutional issue).

Technical Assistance

- Connect individuals to opportunities to make money from recycling. Can the state help connect individuals with these markets?

Questions

- Concern: If recycling costs more and we have sufficient disposal capacity, then we shouldn't be promoting more recycling.

- Maine has the highest recycling rate in the nation. Yet we keep saying we're not doing well with recycling. We need an accurate presentation of how well we are doing.
- If recycling is more costly, how do you get over that barrier?

Other

- To increase recycling, residential participation which are typically 25% without incentives must increase. Possible techniques include education, incentives, and making recycling easier (single stream, which would require a single stream processing facility)
- Maine should set priorities for use of limited funds and select the highest impact areas for environmental improvement. Would we be better off investing in managing CDD or universal waste? A state financial goal would help focus investment and town actions.
- Consistency in public policy and a fair regulatory structure impacts long-term private capital investment in waste management facilities more than anything else. Maine needs a long-term regulatory process, rather than its current shot-gun approach.
- Do we let markets determine where investment should be made?
- How can we set state-level priorities relevant to different regions with different needs?
- Encourage "free sheds" at transfer stations and landfills.
- Ensure that Maine's measurements of recycling rates are compared to same materials as other states ("apples-to-apples").

A straw poll was done to identify the highest priority recycling solutions, by giving all task force members 4 sticky dots to place on the recycling approaches they want to see emphasized. Recycling solutions straw poll results:

22	Composting – food waste
20	Increase public education
11	Single Stream
11	Producer take-back
10	Pay as you throw
8	Apartment dwellers
6	Business
6	Provide more technical assistance
3	Recycling bank (weigh recycling at curb-side and give \$ or other credits to households)
2	Free sheds
1	Lower tip fees for higher recycling
0	Remove disincentives such as waste supply thresholds

PUBLIC EDUCATION

Issues	Solutions
Need more/consistent education, because it determines the success of household recycling, material bans, etc.	Create incentives for municipalities to run education campaigns.
There is enough information available.	There needs to be social marketing to encourage people to behave differently.
Some people still don't know what they should be doing	In these cases, there is still a need for information distribution.
Many messages about solid waste are distributed from divergent sources. A statewide campaign would be powerful.	Perhaps there should be a few coordinated, state-wide uniform message (that are distributed at the state, regional and local levels).
DEP/SPO and others are already spending lots of money and resources on education, and the DEP website has great resources	Local impacts need to be articulated for people to care about their impact.
	Consider targeting four different audiences about solid waste issues: facility operators/businesses, municipalities, schools/children, and the general public
The trainings offered for facilities operators are great. It makes a big difference to have professionals at transfer stations who can answer <i>what</i> should be done and <i>why</i> . 42% of the public get their information from the station attendant.	Continue to offer these trainings.
The general public doesn't understand the impact of solid waste disposal and the environment, as well as the impact of individual choices. It is important to inform people of the "true" cost of their choices.	SPO/DEP could work with the Department of Education to put environmental issues into the Maine Learning Results Standards. This is a huge opportunity. Show lifecycle assessments.
Sometimes it is hard to get media coverage.	Help prepare good visuals and stories for the media, make things exciting/important.
People don't always listen to experts.	Find local people who can be passionate advocates and do outreach
Sometimes people don't know how to help.	Create a website or newsletter with volunteer opportunities highlighted. Newsletters must have interesting information for people to get in the habit of reading them.
People sometimes forget what they know about recycling etc.	Educational efforts need to be ongoing.
Current education programs are disjointed.	Develop state-level priorities, with roles for each level of government regarding individual recycling and other subjects
There is a lack of materials on TV about solid waste issues.	State agencies could make programming that municipalities could show on local access TV.
	Team up with school service learning programs (which have money) to raise awareness about recycling, universal waste.
Public doesn't understand they need solid waste infrastructure.	Public needs to understand that solid waste infrastructure is necessary and unavoidable.
Some people don't use the web.	Use diverse media in outreach campaigns.
We have many messages.	Focus on priorities in choosing message, which can be powerful.
People don't compost enough.	Remember composting in education campaigns because it is easy for homeowners to do, could help mass burn incinerators, and it creates a product.

Suggested public education messages:

- Recycling – what materials can be recycled.
- Locations of regional HHW sites.
- Material bans – reasons for the bans.

- Composting – what it does and where to get backyard composters.

Suggested deliverers of messages:

- State
- Universities/Cooperative Extension

Funding sources for public education:

- Fund public education from tip fees.

REGIONAL APPROACHES AND PARTNERSHIPS

Issues	Solutions
Regional approaches may not always be the right solution	Need to do cost analyses before implementing projects.
Organizations and facilities are currently doing successful regional disposal and other efforts. Towns are more willing to work together now than ever before.	
There could be more regional recycling efforts	Create more regional recycling projects
Regional organizations are joining one another and growing, and the market incentives are already there due to cost reductions that occur when merging	
Solid waste management regions have worked well, and most successful household hazardous waste programs are regional.	
SPO currently favors regional applications for infrastructure grants over municipal ones	
Towns sometimes have difficulty working together. Host communities need protection from financial liability.	A neutral/third party could help towns in their efforts to collaborate.
	The state should encourage communities to work together (incentives, grants, education). Recapture regional efficiency grants.
It is unclear how to define a region; if many towns contract with a private contractor on solid waste, that is a region. Usually many haulers serve many towns	
Universal waste collection is ripe for regionalization.	

Other Issues

- Responses to the comments that were on the document: Bullet 1 – true, but states may treat it in similar ways, bullet 2 – inaccurate, bullet 3 – there are continual SPO improvements (back racking, verifying data from multiple sources, catching errors in municipal reports).
- Regarding item in assessment report that states: “Overweight trucks are having a negative impact on Maine roads and are causing the state to lose fuel tax revenues.” - this is true for all trucks, not just solid waste trucks.
- Solid waste facilities can play a role in helping with this problem (example given of one facility which imposes “penalties” on overweight trucks, by requiring them to wait before tipping and other measures).
- State police should review landfill records and wait outside facilities.
- Regarding item in assessment report that states “Waste-hauling trucks should not be exempt from air emission standards.” – is not accurate.
- There needs to be more guidance on MDW reports to SPO; we forget from year-to-year where we get our data and how we tabulate it.
- Concern about future tracking and paperwork.
- For public benefit determination; state should look more favorably on facilities that commit to reduce nuisances

Final comments on the task force's process and content:

- A group of stakeholders should be convened more frequently to make recommendations.
- The general public may not understand the complexities of solid waste policy, so messages on this subject must be clear and concise.
- This diverse group worked well together.
- It would be nice to have an opportunity to see if the task force might have been able to come to consensus on some issues.
- The breakout groups worked well.
- The process allowed for an overview/broad-brush approach, but some issues need more time in order for the task force to be able to address their complexities.

Concluding Remarks

Members of the task force were asked to offer words of direction or encouragement or direction to SPO as SPO prepares the draft report, to share their final thoughts or the number one issue they want to convey. Sue Inches thanked all present for their hard work and for the many hours they spent on this project.

Next Steps

The State Planning Office will develop a document that lists the findings of this task force as well as recommendations for the Natural Resources Committee. A final meeting of this task force will be convened during the winter to give feedback on the findings and recommendations prior to their submission to the Committee.

SOLID WASTE MANAGEMENT POLICY REVIEW TASK FORCE

MEETING FOUR - MEETING NOTES

1:00 pm-4:00pm, March 30, 2006
St Paul's Oblate House, Augusta, Maine

Task Force Members Present: John Adelman, Victor Horton, Jerry Hughes, Sue Inches, Joseph Kazar, Toni King (for Don Meagher), Fergus Lea, Susan Lessard, William Lippincott, David Littell, Greg Lounder, Jeff McGown, Peter Prata, Kevin Roche, Laura Sanborn, Ron Smalley, Paul Therrien, Sarah Wojcoski.

Members of the Public Present: Leslie Jones, Jody Harris, Craig Worth. Sam Zaitlin.

Facilitator: Jeff Edelstein

Welcome

Sue Inches of the State Planning Office welcomed participants. She described that the purpose of today's meeting is to get task force response to recommendations that the office made based on meetings earlier in the fall. SPO is very interested in getting task force members' input. Whether the office changes the recommendations will depend on the discussion today. In any event, today's comments will be recorded and attached to the report.

Sue explained that the State Planning Office tried as hard as it could to balance its recommendations based on the different perspectives they heard.

Legislative Update

The task force was conducted in the context of a lot of legislative debate. Sue Inches gave an update on some of the solid waste bills acted upon in the Second Regular Session of the 122nd Legislature.

- LD 1777 – unanimous OTP – sets up a blue ribbon commission to study high level questions related to solid waste. It has a \$15,000 fiscal note and funding is pending legislative action. The commission would address three key issues: 1) import/export of waste, 2) management structure (i.e. how should solid waste be managed at the state level), and 3) the hierarchy. The commission would meet 10 times between now and Jan 1st. The recommendations presented by SPO today were made in light of the expectation that the Blue Ribbon Commission would be established. Some issues discussed by the task force SPO deferred to that group and did not address in its report.
- Supplemental Budget – The budget included a proposal to replenish the Fund for Local and Regional Efficiencies. If that is funded it would provide \$500,000 for grants for regional approaches, including solid waste. [Editor's Note: the Supplemental Budget Bill approved by the Legislature on March 29 includes \$500,000 for the grant program].
- LD 141 – divided report 6-6-1; divided on floor, sent back to committee where the committee is trying (today) to work out a compromise. An amendment would limit the amount of the wood portion of CDD from out-of-state waste that could be burned in licensed boilers to 50% of total burned. There also has been discussion of an exception to make the Athens facility feasible. [Editor's Note: On a 12-1 vote, the Natural Resources Committee approved the amendment noted above to LD 141. It is awaiting action by the two houses].
- 1795 – would ban out-of-state waste in municipal disposal facilities. This was passed with a January 1 sunset. It essentially creates moratorium until the Blue Ribbon Commission can present its recommendations

- 1578 12-1 ONTP – host community benefits for Saco

Recommendations

Sue Inches stated that the State Planning Office took very seriously the task force discussion in developing its recommendations. In some cases the office shaped recommendations from discussion, so that a recommendation is SPO's idea, but based on what task force members said. In other cases, SPO did not present a recommendation for topics discussed. This may have been because there was another venue or the timing is not right to move. It's not that SPO was ignoring task force members, but there was a reason why it was not included.

The State Planning Office still wants comments which should be sent in written form by April 12. The office intends to submit the recommendations before the Legislature adjourns at the end of April.

Sue repeated her earlier statement that SPO may or may not change its recommendations based on today's discussion; it depends on what comes up. SPO will record today's comments and seriously consider them. As has been said all along, these are SPO recommendations, not recommendations from the task force. SPO did this because they did not want to try to force consensus, but instead wanted to try to understand different views of the interests represented by task force members. These are SPO recommendations, but SPO is interested in knowing how task force members feel about them.

Discussion and Comments

The recommendations are grouped into four categories: 1) recommendations that affirm existing state policy; 2) policy recommendations, which would require a statutory change; 3) research and data collection recommendations, which can be undertaken by the office within existing statutory authority; and 4) programmatic recommendations, which can be undertaken by the office within existing statutory authority. The task force considered each group of recommendations in turn.

The first set of recommendations affirms existing state policy.

1. Maintain the solid waste management hierarchy to guide the management of Maine's municipal solid waste in order to reduce the volume of waste requiring disposal. (No Change)
2. Maintain the 50% recycling goal. Continue to calculate and publish the statewide recycling rate using both state and federal methodologies. (No Change)
3. Keep the ban on the development of new commercial disposal facilities. (No Change)
4. Continue to support regional approaches to solid waste management. Maintain and replenish the Fund for the Efficient Delivery of Local and Regional Services as one way to fund planning and implementation of regional approaches to solid waste management. (No Change)

Comments/Discussion:

- 50% goal is not meaningful unless we are taking steps to achieve it.
- 50% goal does not have any teeth; there are ways to put teeth into statute and rules. Perhaps the Blue Ribbon Commission can take this up.
- Regional grant program may be more effective if it was targeted (i.e. solid waste projects).
- Grants should be linked to the goal (i.e. preference for programs achieving the 50% goal).
- Omitted two existing state policies – municipal responsibility for managing solid waste and state responsibility for siting disposal capacity – did you mean to leave these out?
- Room for improvement/simplify how local recycling rates are calculated.

The second set of recommendations would require statutory changes.

5. *Ongoing Review of Solid Waste Policy in Maine:* Establish a solid waste advisory council to replace the current solid waste management policy review task force. The council would meet at least twice a year and guide the State Planning Office on both policy and programmatic issues. (Statutory Change)
6. *Annual Update of Disposal Capacity Report:* Update the waste generation and disposal capacity report section of the state plan annually and brief the Governor, Department of Environmental Protection, and Joint Standing Committee on Natural Resources on new information contained in the update. (Statutory Change)
7. *Move Beyond 50% Recycling:* Maintain the 50% recycling goal and add a policy statement that favors waste reduction and maximizing waste diversion with the use of solid waste generated in Maine for its resource value. (Statutory Change)
8. *Lengthen the Trigger:* Lengthen from four to six years the ‘trigger’ for the office to alert the Legislature of the need to develop state-owned disposal capacity. (Statutory Change)
9. *Revisit Host Community Benefits:* Revisit host community benefits to clarify the process for negotiating host community benefits. Develop a protocol for the review of community benefit agreements during their lifespan. (Statutory Change)

Comments/Discussion:

- Need to flesh out specifics on advisory council (membership, etc).
- Include an evaluation of the advisory council. Are we better off than we were with the 5-year review?
- Reconsider how often it meets and how much staff it takes. Consider meeting one per year.
- What does “waste diversion” mean? Does it include burning waste for energy?
- One person not comfortable with inclusion of waste-to-energy.
- Separate the 50% goal from waste diversion goal.
- It is not the process for negotiating host community benefits that is not clear, rather it is that it lacks teeth. The host is not on equal footing. The “other” category of benefits is too amorphous. Suggested that the need is to “revise” or “strengthen” the process, instead of “clarify.”
- Need to strengthen the host position in the process.
- Not sure that is necessary to change the host community benefit process. Commercial business owners do not want the black eye of being accused on not negotiating in good faith.

The third set of recommendations would require additional research and data collection.

10. *Quantify the Impacts of Solid Waste Policy in Maine:* Conduct a quantitative analysis for use by policymakers of the economics of Maine’s solid waste system, costs and benefits of changes to that system, and effects of change on solid waste stakeholders, including but not limited to:
 - social, environmental, and financial costs and benefits of the current system
 - social, environmental, and financial costs and benefits of changes to the current public and private ownership of solid waste disposal facilities
 - costs and benefits of significantly increasing recycling

- the economic and environmental impacts of out-of-state generated solid waste on existing management and disposal infrastructure
 - a comparative analysis of various methods of disposal, including what currently exists in Maine and emerging technologies
 - effective use of state resources in managing solid waste. (Research/Study)
11. *Reuse Construction and Demolition Debris:* Explore options for reusing Maine-generated construction and demolition debris as a resource, including examining what other states have done. Analyze the cost-benefit of incentives and disincentives to support the management of this material. (Research/Study)
12. *Broaden the State's Disposal Capacity Analysis:* Analyze the state's needs and capacity for managing waste, including:
- cover a 25-year time horizon
 - identify and assess any regional capacity issues
 - assess volume as well as tonnage
 - assess stability and life expectancy of existing facilities
 - assess the amount and type of imported and exported waste, how it is being used, and where it is going
 - develop a protocol for responding to natural disasters
 - assess impact of recycling on disposal capacity
 - analyze recycling and processing capacity. (Research/Study)
13. *Fund Public Recycling:* Assess the results of state grants given to municipalities in the past, establishing benchmarks of success. Use this analysis to inform future funding proposals for public recycling programs. (Research/Study)

Comments/Discussion:

- How realistic is 25 years for the disposal capacity analysis?
- New technologies are emerging that will capture greater volumes of recyclables –will emerge in one year; some operated by private sector because public sector could not afford to construct them. SPO assessment of public recycling should look at how public programs fit in or could augment these new, private sector efforts.
- The analysis of recycling capacity should look at single-stream recycling. How will this fit it with Maine's existing local programs?
- Need to anticipate future technologies in analysis.
- Should look at what other state/countries are doing for aggressive recycling.
- Use solid waste regional approaches to inform regional efficiency grants.
- Peer review of regional efficiency grants.

The last recommendation can be implemented within existing statutory authority.

14. *Fund Public Recycling Education:* Design and develop funding proposals for an on-going public education and outreach campaign on the value of recycling and composting, targeting residents and businesses statewide. (Programmatic)

Comments/Discussion:

- Take advantage of funding from foundations or philanthropic organizations.

Overall/General Comments

- Page 5, under “Emerging Changes,” some changes listed are not necessarily “emerging,” rather they have been persistent over time, i.e. difficulty in siting disposal facilities.
- It was noted that siting is not difficult, rather nearly impossible.
- The state policy to close old, small dumps led to consolidation into a few, larger facilities, which cause more concern and are harder to site.
- State should look now for new, long-term disposal capacity.
- Page 5, under “Emerging Changes,” the report cites continuing growth in waste generation. There are variations in waste generation among different regions of state. PERC towns have been flat.
- Rising costs and increasing expertise needed to operate disposal facilities is true of all facilities, not just municipal.
- There is a lack of political leadership and inability or willingness to deal with complex solid waste issues.
- How valid is the 1989 law? I believe it was based on fears and assumptions not proved true.
- Heard a lot in this legislative session about lack of recycling in Maine. Not true, there’s a lot of good recycling going on.
- Municipal recycling programs may get short shrift; need a boost.
- Home composting workshops help.

Public Comment

Sam Zaitlin encouraged the state and task force members to adopt a new way of thinking about solid waste. Our thinking of solid waste issues is still stuck in a pre-911 and pre-Iraq world. There is a new reality today.

Next Steps:

1. Provide today’s notes to this task force members
2. Present the final report and recommendations to the Governor, Legislature, and Department of Environmental Protection
3. Present the report and recommendations to Blue Ribbon Commission
4. Undertake SPO research and study tasks, starting right away
5. Begin to develop legislative proposals for next session, call people in for assistance and feedback

Review of Task Force Process

What worked?

- Breakout groups
- Assigning people to groups
- Diversity of task force; exposure to different views
- Interviews before the process
- Civility and respectfulness

What needs improvement?

- Have clear goal(s), especially if have ongoing advisory council

Sue Inches thanked the members of the task force and said that it has been very useful to get their thoughts and feedback and SPO appreciates the time they have put into this process.